

SENATE BILL 180

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CF HB 620

By: **Senators Pugh, Benson, Forehand, King, Klausmeier, Madaleno, Manno, Middleton, Montgomery, Raskin, and Young**

Introduced and read first time: January 20, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2012

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – State Board of Naturopathic Medicine**

3 FOR the purpose of establishing the State Board of Naturopathic Medicine; specifying
4 the composition of the Board; specifying the terms of a Board member; requiring
5 the Governor to appoint a new member, under certain circumstances, if a
6 vacancy on the Board occurs; authorizing the Governor to remove a member of
7 the Board under certain circumstances; requiring the Board to elect a chair and
8 any other officers from among its members; requiring the Board to make certain
9 determinations relating to its officers; specifying that a majority of the members
10 then serving on the Board is a quorum; requiring the Board to determine the
11 times and places of its meetings; specifying that a Board member is entitled to
12 certain compensation and reimbursement; authorizing the Board to employ a
13 staff under certain circumstances; authorizing the Board to adopt certain
14 regulations and appoint certain committees; specifying the duties of the Board;
15 establishing the State Board of Naturopathic Medicine Fund; authorizing the
16 Board to set reasonable fees under certain circumstances; requiring the Board
17 to pay the fees to the Comptroller and requiring the Comptroller to distribute
18 the fees to the Fund; requiring the Fund to be used for certain purposes;
19 specifying that the Fund is a continuing, nonlapsing fund, not subject to a
20 certain provision of law; prohibiting unspent portions of the Fund from
21 reverting to the General Fund; specifying that no other State money may be
22 used to support the Fund, that a designee of the Board is to administer the
23 Fund, and that money in the Fund may be used only for certain purposes;
24 requiring the Legislative Auditor to audit the accounts and transactions of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Fund; specifying that a person who gives information to the Board or otherwise
2 participates in its activities has a certain immunity from liability; requiring,
3 beginning on a certain date, certain individuals to have a certain license before
4 practicing naturopathic medicine in the State; prohibiting the Board from
5 discriminating against an applicant or licensee for certain reasons; requiring
6 certain individuals to complete and submit to the Board a certain written
7 attestation before practicing naturopathic medicine in the State; requiring the
8 Board to maintain certain written attestations and make them available to the
9 State Board of Physicians under certain circumstances; requiring certain
10 individuals under certain circumstances to submit a new written attestation to
11 the Board; requiring an individual to meet certain requirements to qualify for a
12 license; authorizing the Board to waive certain examination requirements under
13 certain circumstances; requiring an applicant to submit certain information to
14 the Board and pay a certain fee; requiring the Board to issue a license to any
15 applicant who meets the requirements of this Act; specifying that a license
16 authorizes a licensee to order certain tests, order and perform certain
17 examinations, and dispense, administer, order, prescribe, or perform other
18 certain therapies, drugs, and medicines, and utilize certain routes of
19 administration; specifying that a license does not authorize a licensee to
20 prescribe, dispense, or administer certain substances or devices, perform certain
21 procedures, use certain anesthetics, or take certain other actions; specifying
22 that the Board may authorize a licensee to perform only certain procedures or
23 prescribe certain drugs under certain circumstances; specifying the term of a
24 license; requiring the Board to send certain information to licensees a certain
25 time period before a license expires; requiring the Board to renew a license
26 under certain circumstances; authorizing the Board to place a licensee on
27 inactive status under certain circumstances; requiring the Board to issue a
28 license to a naturopathic physician who is on inactive status under certain
29 circumstances; requiring the Board to reinstate the license of a naturopathic
30 physician who failed to renew the license under certain circumstances;
31 prohibiting a licensed naturopathic physician from surrendering a license under
32 certain circumstances; establishing the Naturopathic Formulary Council;
33 specifying the membership of the Council; requiring the Council to establish a
34 naturopathic formulary, transmit the formulary to the Board, and review the
35 formulary under certain circumstances; prohibiting the formulary from
36 including certain medicines or drugs and devices under certain circumstances;
37 prohibiting a naturopathic physician from dispensing, administering, or
38 prescribing certain drugs and devices unless the drug or device is included in
39 the formulary; authorizing the Board to take certain disciplinary action against
40 an applicant or a licensee for certain reasons; requiring certain persons to file a
41 certain report with the Board within a certain time period; authorizing the
42 Board to assess a certain monetary penalty on a person that fails to file a
43 certain report; requiring the Board to investigate certain complaints;
44 authorizing the Board to commence disciplinary action under certain
45 circumstances; specifying that certain investigations, reports, and
46 recommendations are confidential under certain circumstances; requiring the
47 Board to give a certain individual an opportunity for a hearing before the Board

1 and to give certain notice and hold the hearing in accordance with certain
2 provisions of law; authorizing a certain individual to be represented by counsel;
3 authorizing the Board to issue subpoenas and administer oaths under certain
4 circumstances; authorizing a certain court to take certain action against an
5 individual who disobeys a subpoena from the Board or an order by the Board;
6 authorizing the Board to hear and determine a matter, under certain
7 circumstances; requiring certain individuals to pay certain costs under certain
8 circumstances; requiring the Board to pass an order under certain
9 circumstances; requiring the Board to expunge certain charges after a certain
10 time period; requiring the holder of a license to surrender the license to the
11 Board under certain circumstances; requiring the Board to return a license
12 under certain circumstances; authorizing a person aggrieved by a decision of the
13 Board to take certain action under certain circumstances; prohibiting the Board
14 from reinstating a certain license under certain circumstances; requiring a
15 licensed naturopathic physician to follow certain federal, State, and local laws;
16 authorizing a licensed naturopathic physician to receive a certain fee; requiring
17 a naturopathic physician to display a certain notice under certain
18 circumstances; prohibiting an individual from practicing naturopathic medicine
19 in the State without a license; prohibiting certain individuals from making
20 certain representations to the public, using certain titles, and using certain
21 initials; establishing a certain short title; specifying that this Act does not limit
22 certain rights of certain individuals; specifying the purposes of certain
23 provisions of this Act; requiring the Board to hold its first Board meeting within
24 a certain time period after the Governor has appointed the initial Board
25 members; providing for the terms of the initial Board members; stating the
26 intent of the General Assembly regarding the initial funding of the Board;
27 requiring the Board to reimburse the General Fund under certain
28 circumstances; providing for the termination of this Act under certain
29 circumstances; defining certain terms; providing for the construction of a certain
30 provision of this Act; providing for the effective dates of this Act; and generally
31 relating to the State Board of Naturopathic Medicine and the licensing of
32 naturopathic physicians.

33 BY renumbering

34 Article – State Government
35 Section 8–403(b)(40) through (68), respectively
36 to be Section 8–403(b)(41) through (69), respectively
37 Annotated Code of Maryland
38 (2009 Replacement Volume and 2011 Supplement)

39 BY adding to

40 Article – Health Occupations
41 Section 7.5–101 through 7.5–802 to be under the new title “Title 7.5.
42 Naturopathic Physicians”
43 Annotated Code of Maryland
44 (2009 Replacement Volume and 2011 Supplement)

1 BY adding to
 2 Article – Courts and Judicial Proceedings
 3 Section 5–722
 4 Annotated Code of Maryland
 5 (2006 Replacement Volume and 2011 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – State Government
 8 Section 8–403(a)
 9 Annotated Code of Maryland
 10 (2009 Replacement Volume and 2011 Supplement)

11 BY adding to
 12 Article – State Government
 13 Section 8–403(b)(40)
 14 Annotated Code of Maryland
 15 (2009 Replacement Volume and 2011 Supplement)

16 BY repealing
 17 Article – Health Occupations
 18 Section 7.5–302
 19 Annotated Code of Maryland
 20 (2009 Replacement Volume and 2011 Supplement)
 21 (As enacted by Section 2 of this Act)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That Section(s) 8–403(b)(40) through (68), respectively, of Article – State
 24 Government of the Annotated Code of Maryland be renumbered to be Section(s)
 25 8–403(b)(41) through (69), respectively.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 27 read as follows:

28 **Article – Health Occupations**

29 **TITLE 7.5. NATUROPATHIC PHYSICIANS.**

30 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

31 **7.5–101.**

32 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 33 **INDICATED.**

34 **(B) “APPROVED NATUROPATHIC MEDICAL PROGRAM” MEANS A**
 35 **NATUROPATHIC MEDICAL EDUCATION PROGRAM:**

1 **(1) IN THE UNITED STATES THAT:**

2 **(I) PROVIDES THE DEGREE OF DOCTOR OF NATUROPATHY**
3 **OR DOCTOR OF NATUROPATHIC MEDICINE;**

4 **(II) OFFERS GRADUATE-LEVEL, FULL-TIME DIDACTIC AND**
5 **SUPERVISED CLINICAL TRAINING;**

6 **(III) IS ACCREDITED, OR HAS ACHIEVED CANDIDACY STATUS**
7 **FOR ACCREDITATION, BY THE COUNCIL ON NATUROPATHIC MEDICAL**
8 **EDUCATION OR AN EQUIVALENT FEDERALLY AND BOARD-RECOGNIZED**
9 **ACCREDITING BODY FOR NATUROPATHIC MEDICAL PROGRAMS; AND**

10 **(IV) IS PART OF AN INSTITUTION OF HIGHER EDUCATION**
11 **THAT IS EITHER ACCREDITED, OR IS A CANDIDATE FOR ACCREDITATION, BY A**
12 **REGIONAL OR NATIONAL INSTITUTIONAL ACCREDITING AGENCY RECOGNIZED**
13 **BY THE UNITED STATES SECRETARY OF EDUCATION;**

14 **(2) IN A DIPLOMA-GRANTING, DEGREE-EQUIVALENT COLLEGE**
15 **OR UNIVERSITY IN CANADA THAT:**

16 **(I) OFFERS GRADUATE-LEVEL, FULL-TIME DIDACTIC AND**
17 **SUPERVISED CLINICAL TRAINING;**

18 **(II) IS ACCREDITED, OR HAS ACHIEVED CANDIDACY STATUS**
19 **FOR ACCREDITATION, BY THE COUNCIL ON NATUROPATHIC MEDICAL**
20 **EDUCATION OR AN EQUIVALENT FEDERALLY AND BOARD-RECOGNIZED**
21 **ACCREDITING BODY FOR NATUROPATHIC MEDICAL PROGRAMS; AND**

22 **(III) HAS PROVINCIAL APPROVAL FOR PARTICIPATION IN**
23 **GOVERNMENT-FUNDED STUDENT AID PROGRAMS; OR**

24 **(3) IN A DEGREE-GRANTING COLLEGE OR UNIVERSITY THAT:**

25 **(I) PRIOR TO THE EXISTENCE OF THE COUNCIL OF**
26 **NATUROPATHIC MEDICAL EDUCATION:**

27 **1. OFFERED A FULL-TIME STRUCTURED**
28 **CURRICULUM IN BASIC SCIENCES AND SUPERVISED PATIENT CARE COMPRISING**
29 **A DOCTORAL NATUROPATHIC MEDICAL EDUCATION;**

30 **2. REQUIRED AT LEAST 3 YEARS OF STUDY AS A**
31 **PREREQUISITE FOR GRADUATION; AND**

1 **3. IF IN CANADA, HAD PROVINCIAL APPROVAL FOR**
2 **PARTICIPATION IN GOVERNMENT–FUNDED STUDENT AID PROGRAMS;**

3 **(II) IS APPROVED BY THE BOARD; AND**

4 **(III) IF THE PROGRAM EXISTS WHEN THE APPLICANT**
5 **APPLIES FOR A LICENSE:**

6 **1. IS ACCREDITED BY THE COUNCIL OF**
7 **NATUROPATHIC MEDICAL EDUCATION OR A FEDERALLY RECOGNIZED**
8 **EQUIVALENT ACCREDITING AGENCY; AND**

9 **2. IF IN CANADA, HAS PROVINCIAL APPROVAL FOR**
10 **PARTICIPATION IN GOVERNMENT–FUNDED STUDENT AID PROGRAMS.**

11 **(C) “BOARD” MEANS THE STATE BOARD OF NATUROPATHIC MEDICINE.**

12 **(D) “COUNCIL” MEANS THE NATUROPATHIC FORMULARY COUNCIL.**

13 **(E) “LICENSED NATUROPATHIC PHYSICIAN” MEANS A NATUROPATHIC**
14 **PHYSICIAN WHO IS LICENSED TO PRACTICE NATUROPATHIC MEDICINE.**

15 **(F) “MINOR OFFICE PROCEDURES” MEANS THE METHODS FOR THE**
16 **REPAIR AND CARE INCIDENTAL TO THE REPAIR OF SUPERFICIAL LACERATIONS**
17 **AND ABRASIONS, SUPERFICIAL LESIONS, AND THE REMOVAL OF FOREIGN**
18 **BODIES LOCATED IN THE SUPERFICIAL TISSUES.**

19 **(G) “NATUROPATHIC FORMULARY” MEANS THE LIST OF MEDICINES,**
20 **NONPRESCRIPTION AND PRESCRIPTION, THAT NATUROPATHIC PHYSICIANS USE**
21 **IN THE PRACTICE OF THEIR PROFESSION, AS DETERMINED BY THE COUNCIL**
22 **AND ADOPTED BY THE BOARD.**

23 **(H) “NATUROPATHIC MEDICINE” MEANS A SYSTEM OF PRIMARY**
24 **HEALTH CARE THAT USES PATIENT EDUCATION AND NATUROPATHIC**
25 **THERAPIES AND THERAPEUTIC SUBSTANCES TO:**

26 **(1) PREVENT, DIAGNOSE, AND TREAT HUMAN HEALTH**
27 **CONDITIONS, INJURY, AND DISEASE;**

28 **(2) PROMOTE OR RESTORE HEALTH; AND**

29 **(3) SUPPORT AND STIMULATE A PATIENT’S INHERENT**
30 **SELF–HEALING PROCESSES.**

1 **(I) “NATUROPATHIC PHYSICIAN” MEANS AN INDIVIDUAL WHO**
2 **PRACTICES NATUROPATHIC MEDICINE.**

3 **(J) “PRESCRIPTION DRUG” MEANS ANY DRUG DEFINED IN § 503(B) OF**
4 **THE FEDERAL FOOD, DRUG, AND COSMETIC ACT IF THE DRUG’S LABEL IS**
5 **REQUIRED TO BEAR THE STATEMENT “RX ONLY”.**

6 **7.5–102.**

7 **THE PURPOSES OF THIS TITLE ARE TO:**

8 **(1) PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE**
9 **PUBLIC, AND SPECIFICALLY PROTECT INDIVIDUALS WHO ARE THE DIRECT**
10 **RECIPIENTS OF SERVICES REGULATED BY THIS TITLE;**

11 **(2) MAINTAIN STANDARDS IN THE DELIVERY OF NATUROPATHIC**
12 **MEDICAL SERVICES TO THE PUBLIC;**

13 **(3) ENSURE THAT THE HEALTH CARE PROVIDED BY QUALIFIED**
14 **NATUROPATHIC PHYSICIANS IS ACCESSIBLE AND AVAILABLE TO THE RESIDENTS**
15 **OF THE STATE; AND**

16 **(4) PROVIDE A MEANS OF IDENTIFYING QUALIFIED**
17 **NATUROPATHIC PHYSICIANS IN THE STATE.**

18 **7.5–103.**

19 **THIS TITLE DOES NOT LIMIT THE RIGHT OF:**

20 **(1) AN INDIVIDUAL TO PRACTICE A HEALTH OCCUPATION THAT**
21 **THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER THIS ARTICLE;**

22 **(2) AN INDIVIDUAL FROM TREATING THE INDIVIDUAL OR THE**
23 **INDIVIDUAL’S FAMILY BASED ON THE INDIVIDUAL’S RELIGIOUS OR HEALTH**
24 **BELIEFS; OR**

25 **(3) A PERSON THAT SELLS VITAMINS AND HERBS FROM**
26 **PROVIDING INFORMATION ABOUT THE PERSON’S PRODUCTS.**

27 **SUBTITLE 2. STATE BOARD OF NATUROPATHIC MEDICINE.**

28 **7.5–201.**

1 **THERE IS A STATE BOARD OF NATUROPATHIC MEDICINE IN THE**
2 **DEPARTMENT.**

3 **7.5-202.**

4 **(A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS.**

5 **(2) OF THE SEVEN BOARD MEMBERS:**

6 **(I) FIVE SHALL BE LICENSED NATUROPATHIC PHYSICIANS;**
7 **AND**

8 **(II) TWO SHALL BE CONSUMER MEMBERS.**

9 **(3) THE GOVERNOR SHALL APPOINT THE NATUROPATHIC**
10 **PHYSICIAN MEMBERS, WITH THE ADVICE OF THE SECRETARY, FROM A LIST OF**
11 **NAMES SUBMITTED BY THE MARYLAND ASSOCIATION OF NATUROPATHIC**
12 **PHYSICIANS.**

13 **(4) THE GOVERNOR SHALL APPOINT THE CONSUMER MEMBERS**
14 **WITH THE ADVICE OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE**
15 **SENATE.**

16 **(B) EACH NATUROPATHIC PHYSICIAN MEMBER OF THE BOARD SHALL**
17 **BE:**

18 **(1) IN GOOD STANDING WITH THE BOARD; AND**

19 **(2) A RESIDENT OF THE STATE WHO HAS BEEN ENGAGED**
20 **ACTIVELY IN THE PRACTICE OR INSTRUCTION OF NATUROPATHIC MEDICINE IN**
21 **THE STATE FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE APPOINTMENT.**

22 **(C) EACH CONSUMER MEMBER OF THE BOARD:**

23 **(1) SHALL BE A RESIDENT OF THE STATE AND A MEMBER OF THE**
24 **GENERAL PUBLIC;**

25 **(2) MAY NOT BE OR EVER HAVE BEEN LICENSED TO PRACTICE A**
26 **HEALTH OCCUPATION UNDER THIS ARTICLE; AND**

27 **(3) MAY NOT HAVE A SUBSTANTIAL PERSONAL, BUSINESS,**
28 **PROFESSIONAL, OR PECUNIARY CONNECTION WITH NATUROPATHIC**
29 **EDUCATION, BUSINESS, OR PRACTICE.**

1 (D) (1) THE TERM OF A MEMBER IS 4 YEARS.

2 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY
3 THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2012.

4 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
5 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

6 (4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE
7 FULL TERMS.

8 (E) (1) IF A VACANCY OCCURS ON THE BOARD, THE GOVERNOR
9 SHALL APPOINT A NEW MEMBER TO SERVE ONLY FOR THE REST OF THE TERM
10 AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

11 (2) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL
12 ANY VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF VACANCY.

13 (F) THE GOVERNOR MAY REMOVE ANY MEMBER OF THE BOARD FOR
14 CAUSE BEFORE EXPIRATION OF THE MEMBER'S TERM.

15 **7.5-203.**

16 (A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR
17 AND ANY OTHER OFFICERS THAT THE BOARD CONSIDERS NECESSARY.

18 (B) THE BOARD SHALL DETERMINE:

19 (1) THE MANNER OF ELECTION OF OFFICERS;

20 (2) THE TERM OF OFFICE OF EACH OFFICER; AND

21 (3) THE DUTIES OF EACH OFFICER.

22 **7.5-204.**

23 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A
24 QUORUM.

25 (B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS
26 MEETINGS.

27 (C) EACH MEMBER OF THE BOARD IS ENTITLED TO:

1 (1) **COMPENSATION IN ACCORDANCE WITH THE BUDGET OF THE**
2 **BOARD; AND**

3 (2) **REIMBURSEMENT FOR EXPENSES AT A RATE DETERMINED BY**
4 **THE BOARD.**

5 (D) **THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE**
6 **BUDGET OF THE BOARD.**

7 **7.5-205.**

8 (A) **IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS**
9 **TITLE, THE BOARD MAY:**

10 (1) **ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF**
11 **THIS TITLE; AND**

12 (2) **APPOINT COMMITTEES AS THE BOARD CONSIDERS**
13 **NECESSARY TO CARRY OUT ITS DUTIES.**

14 (B) **IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE,**
15 **THE BOARD SHALL:**

16 (1) **ESTABLISH PROCEDURES FOR THE ISSUANCE OF LICENSES TO**
17 **APPLICANTS WHO QUALIFY FOR LICENSURE BY RECIPROCITY;**

18 (2) **EVALUATE THE CONTENT OF ANY CLINICAL, PRACTICAL, OR**
19 **RESIDENCY REQUIREMENT FOR LICENSURE;**

20 (3) **PROVIDE ANY SERVICE AND PERFORM ANY FUNCTION THAT IS**
21 **NECESSARY TO FULFILL ITS PURPOSES;**

22 (4) **ESTABLISH EXAMINATION STANDARDS, CONSISTENT WITH**
23 **THE STANDARDS ENUMERATED IN THIS TITLE, FOR LICENSURE AND TIMES AT**
24 **WHICH THE EXAMINATIONS WILL BE GIVEN;**

25 (5) **ADOPT BY REGULATION THE NATUROPATHIC FORMULARY;**
26 **AND**

27 (6) **ADOPT A CODE OF ETHICS FOR LICENSED NATUROPATHIC**
28 **PHYSICIANS.**

29 **7.5-206.**

1 **(A) THERE IS A STATE BOARD OF NATUROPATHIC MEDICINE FUND.**

2 **(B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE**
3 **AND RENEWAL OF LICENSES AND ITS OTHER SERVICES.**

4 **(2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE**
5 **THE COST OF MAINTAINING THE BOARD.**

6 **(3) FUNDS TO COVER THE COMPENSATION AND EXPENSES OF**
7 **THE BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS**
8 **SECTION.**

9 **(C) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS**
10 **TITLE TO THE COMPTROLLER OF THE STATE.**

11 **(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE**
12 **FUND.**

13 **(D) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL**
14 **DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY**
15 **AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF**
16 **THIS TITLE.**

17 **(2) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT**
18 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

19 **(3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE**
20 **TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE BUT SHALL**
21 **REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS**
22 **TITLE.**

23 **(4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE**
24 **FUND.**

25 **(E) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.**

26 **(2) MONEY IN THE FUND MAY BE EXPENDED ONLY FOR ANY**
27 **LAWFUL PURPOSE AUTHORIZED UNDER THE PROVISIONS OF THIS TITLE.**

28 **(F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND**
29 **TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE**
30 **GOVERNMENT ARTICLE.**

31 **7.5-207.**

1 IN THE STATE, THE INDIVIDUAL SHALL COMPLETE AND SUBMIT TO THE BOARD
2 A BOARD-APPROVED WRITTEN ATTESTATION THAT:

3 (1) STATES THAT THE INDIVIDUAL HAS A COLLABORATION AND
4 CONSULTATION AGREEMENT WITH A PHYSICIAN LICENSED UNDER TITLE 14 OF
5 THIS ARTICLE;

6 (2) INCLUDES THE NAME AND LICENSE NUMBER OF THE
7 PHYSICIAN WITH WHOM THE INDIVIDUAL HAS A COLLABORATION AND
8 CONSULTATION AGREEMENT;

9 (3) STATES THAT THE INDIVIDUAL WILL REFER PATIENTS TO AND
10 CONSULT WITH PHYSICIANS AND OTHER HEALTH CARE PROVIDERS LICENSED
11 OR CERTIFIED UNDER THIS ARTICLE AS NEEDED; AND

12 (4) STATES THAT THE INDIVIDUAL WILL REQUIRE PATIENTS TO
13 SIGN A CONSENT FORM THAT STATES THAT THE INDIVIDUAL'S PRACTICE OF
14 MEDICINE IS LIMITED TO THE SCOPE OF PRACTICE IDENTIFIED IN § 7.5-306 OF
15 THIS SUBTITLE.

16 (C) THE BOARD SHALL:

17 (1) MAINTAIN THE WRITTEN ATTESTATIONS SUBMITTED TO THE
18 BOARD UNDER SUBSECTION (B) OF THIS SECTION; AND

19 (2) MAKE THE WRITTEN ATTESTATIONS SUBMITTED TO THE
20 BOARD UNDER SUBSECTION (B) OF THIS SECTION AVAILABLE TO THE STATE
21 BOARD OF PHYSICIANS ON THE REQUEST OF THE STATE BOARD OF
22 PHYSICIANS.

23 (D) IF AN INDIVIDUAL WHO SUBMITTED A WRITTEN ATTESTATION TO
24 THE BOARD UNDER SUBSECTION (B) OF THIS SECTION TERMINATES OR
25 CHANGES THE COLLABORATION AND CONSULTATION AGREEMENT THAT WAS
26 REFERENCED IN THE ATTESTATION, THE INDIVIDUAL IMMEDIATELY SHALL
27 SUBMIT, BY MAIL OR FACSIMILE, A NEW WRITTEN ATTESTATION TO THE BOARD.

28 ~~7.5-302.~~ 7.5-303.

29 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN
30 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

31 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

32 (C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

1 (D) EXCEPT AS PROVIDED IN ~~§ 7.5-304~~ § 7.5-305 OF THIS SUBTITLE,
2 THE APPLICANT SHALL:

3 (1) HAVE A DOCTORATE IN NATUROPATHIC MEDICINE FROM AN
4 APPROVED NATUROPATHIC MEDICAL PROGRAM; AND

5 (2) (I) PASS A COMPETENCY-BASED NATIONAL
6 NATUROPATHIC LICENSING EXAMINATION ADMINISTERED BY THE NORTH
7 AMERICAN BOARD OF NATUROPATHIC EXAMINERS, OR ITS SUCCESSOR AGENCY
8 THAT HAS BEEN NATIONALLY RECOGNIZED TO ADMINISTER A NATUROPATHIC
9 EXAMINATION THAT REPRESENTS FEDERAL STANDARDS OF EDUCATION AND
10 TRAINING; OR

11 (II) FOR GRADUATES OF AN APPROVED NATUROPATHIC
12 MEDICAL PROGRAM, AS DEFINED IN § 7.5-101(B)(3) OF THIS TITLE, PASS A
13 BOARD-APPROVED STATE COMPETENCY EXAMINATION OR CANADIAN
14 PROVINCIAL EXAMINATION.

15 (E) AN APPLICANT SHALL BE PHYSICALLY AND MENTALLY CAPABLE OF
16 SAFELY PRACTICING NATUROPATHIC MEDICINE WITH OR WITHOUT
17 REASONABLE ACCOMMODATION.

18 (F) IF AN APPLICANT IS LICENSED, CERTIFIED, OR REGISTERED TO
19 PRACTICE NATUROPATHIC MEDICINE OR ANY OTHER HEALTH OCCUPATION IN
20 ANOTHER STATE, THE APPLICANT SHALL BE IN GOOD STANDING WITH THE
21 APPLICABLE STATE LICENSING, CERTIFICATION, OR REGISTRATION
22 AUTHORITY.

23 ~~7.5-303.~~ 7.5-304.

24 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY
25 WAIVE ANY EXAMINATION REQUIREMENT OF THIS TITLE FOR AN INDIVIDUAL
26 WHO IS LICENSED AS A NATUROPATHIC PHYSICIAN IN ANY OTHER STATE.

27 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF
28 THE APPLICANT:

29 (1) PAYS THE APPLICATION FEE REQUIRED BY THE BOARD
30 UNDER ~~§ 7.5-304~~ § 7.5-305 OF THIS SUBTITLE; AND

31 (2) PROVIDES EVIDENCE REQUIRED BY THE BOARD THAT THE
32 APPLICANT:

1 (I) OTHERWISE MEETS THE QUALIFICATIONS REQUIRED BY
2 THIS TITLE; AND

3 (II) HAS BEEN LICENSED UNDER REQUIREMENTS
4 SUBSTANTIALLY EQUIVALENT TO THE LICENSING REQUIREMENTS OF THIS
5 TITLE.

6 ~~7.5-304.~~ 7.5-305.

7 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

8 (1) SUBMIT AN APPLICATION TO THE BOARD ON A FORM THAT
9 THE BOARD REQUIRES;

10 (2) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD;

11 (3) IF THE APPLICANT IS SEEKING TO BE LICENSED WITHOUT
12 ADDITIONAL EXAMINATION UNDER ~~§ 7.5-303~~ § 7.5-304 OF THIS SUBTITLE,
13 PROVIDE PROOF OF LICENSURE IN GOOD STANDING IN ALL STATES IN WHICH
14 THE APPLICANT IS LICENSED; AND

15 (4) IF THE APPLICANT HAS BEEN LICENSED, CERTIFIED, OR
16 REGISTERED TO PRACTICE NATUROPATHIC MEDICINE IN ANOTHER STATE,
17 SUBMIT ALL EVIDENCE RELATING TO:

18 (I) ANY DISCIPLINARY ACTION TAKEN OR ANY
19 ADMINISTRATIVE PENALTIES ASSESSED AGAINST THE APPLICANT BY THE
20 APPROPRIATE STATE LICENSING, CERTIFICATION, OR REGISTRATION
21 AUTHORITY; AND

22 (II) ANY CONSENT AGREEMENTS THE APPLICANT ENTERED
23 INTO THAT CONTAIN CONDITIONS PLACED ON THE APPLICANT'S PROFESSIONAL
24 CONDUCT AND PRACTICE, INCLUDING ANY VOLUNTARY SURRENDER OF A
25 LICENSE.

26 ~~7.5-305.~~ 7.5-306.

27 THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE
28 REQUIREMENTS OF THIS TITLE.

29 ~~7.5-306.~~ 7.5-307.

30 (A) A LICENSE AUTHORIZES A LICENSEE, CONSISTENT WITH
31 NATUROPATHIC EDUCATION AND TRAINING, TO:

1 (1) ORDER AND PERFORM PHYSICAL AND LABORATORY
2 EXAMINATIONS FOR DIAGNOSTIC PURPOSES, INCLUDING PHLEBOTOMY,
3 CLINICAL LABORATORY TESTS, ORIFICIAL EXAMINATIONS,
4 ELECTROCARDIOGRAMS, AND PHYSIOLOGICAL FUNCTION TESTS;

5 (2) ORDER DIAGNOSTIC IMAGING STUDIES;

6 (3) DISPENSE, ADMINISTER, ORDER, PRESCRIBE, OR PERFORM
7 THE FOLLOWING:

8 (i) NATURAL MEDICINES OF MINERAL, ANIMAL, OR
9 BOTANICAL ORIGIN, INCLUDING FOOD, EXTRACTS OF FOOD, NUTRACEUTICALS,
10 VITAMINS, AMINO ACIDS, MINERALS, ENZYMES, BOTANICALS AND THEIR
11 EXTRACTS, BOTANICAL MEDICINES, HOMEOPATHIC MEDICINES, AND ALL
12 DIETARY SUPPLEMENTS AND NONPRESCRIPTION DRUGS AS DEFINED BY THE
13 FEDERAL FOOD, DRUG, AND COSMETIC ACT;

14 (ii) PRESCRIPTION DRUGS ON THE NATUROPATHIC
15 FORMULARY IF THE LICENSEE IS AUTHORIZED BY THE BOARD TO DO SO;

16 (iii) HOT OR COLD HYDROTHERAPY, NATUROPATHIC
17 PHYSICAL MEDICINE, ELECTROMAGNETIC ENERGY, COLON HYDROTHERAPY,
18 AND THERAPEUTIC EXERCISE FOR THE PURPOSE OF PROVIDING PRIMARY CARE
19 SERVICES;

20 (iv) DEVICES, INCLUDING THERAPEUTIC DEVICES FOR THE
21 PURPOSE OF PROVIDING PRIMARY CARE SERVICES, BARRIER CONTRACEPTION,
22 AND DURABLE MEDICAL EQUIPMENT;

23 (v) HEALTH EDUCATION AND HEALTH COUNSELING;

24 (vi) MINOR OFFICE PROCEDURES IF THE LICENSEE IS
25 AUTHORIZED BY THE BOARD TO DO SO;

26 (vii) NATUROPATHIC MUSCULOSKELETAL MANIPULATION;

27 AND

28 (viii) NATURAL HORMONES, ANTIBIOTICS, AND TOPICAL
29 MEDICINES; AND

30 (4) UTILIZE ROUTES OF ADMINISTRATION, INCLUDING ORAL,
31 NASAL, AURICULAR, OCULAR, RECTAL, VAGINAL, TRANSDERMAL,
32 INTRADERMAL, SUBCUTANEOUS, INTRAVENOUS, AND INTRAMUSCULAR.

1 **(B) A LICENSE DOES NOT AUTHORIZE A LICENSEE TO:**

2 **(1) PRESCRIBE, DISPENSE, OR ADMINISTER ANY CONTROLLED**
3 **SUBSTANCE OR DEVICE IDENTIFIED IN THE FEDERAL CONTROLLED**
4 **SUBSTANCES ACT, EXCEPT AS AUTHORIZED BY THE BOARD;**

5 **(2) PERFORM SURGICAL PROCEDURES OTHER THAN MINOR**
6 **OFFICE PROCEDURES, INCLUDING PROCEDURES USING A LASER DEVICE OR**
7 **THAT INVOLVE THE EYE, EAR, TENDONS, NERVES, VEINS, OR ARTERIES**
8 **EXTENDING BEYOND SUPERFICIAL TISSUE;**

9 **(3) PRACTICE OR CLAIM TO PRACTICE AS A MEDICAL DOCTOR,**
10 **OSTEOPATH, DENTIST, PODIATRIST, OPTOMETRIST, PSYCHOLOGIST, NURSE**
11 **PRACTITIONER, PHYSICIAN ASSISTANT, CHIROPRACTOR, PHYSICAL THERAPIST,**
12 **ACUPUNCTURIST, OR ANY OTHER HEALTH CARE PROFESSIONAL UNLESS**
13 **LICENSED UNDER THIS ARTICLE;**

14 **(4) USE GENERAL OR SPINAL ANESTHETICS;**

15 **(5) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR**
16 **THERAPEUTIC PURPOSES;**

17 **(6) PERFORM CHIROPRACTIC ADJUSTMENTS UNLESS THE**
18 **LICENSEE IS ALSO A LICENSED CHIROPRACTOR;**

19 **(7) PERFORM ACUPUNCTURE UNLESS THE LICENSEE IS ALSO A**
20 **LICENSED ACUPUNCTURIST;**

21 **(8) PERFORM MINOR OFFICE PROCEDURES UNLESS THE**
22 **LICENSEE IS APPROVED BY THE BOARD TO DO SO; OR**

23 **(9) PRESCRIBE PRESCRIPTION DRUGS UNLESS THE LICENSEE IS**
24 **APPROVED BY THE BOARD TO DO SO.**

25 **(C) THE BOARD MAY APPROVE A LICENSEE TO PERFORM MINOR**
26 **OFFICE PROCEDURES ONLY IF THE LICENSEE:**

27 **(1) GRADUATED FROM AN APPROVED NATUROPATHIC MEDICAL**
28 **PROGRAM THAT INCLUDED MINOR OFFICE PROCEDURES AS PART OF ITS**
29 **CURRICULUM; OR**

30 **(2) MEETS THE TRAINING REQUIREMENTS REGARDING MINOR**
31 **OFFICE PROCEDURES ADOPTED BY THE BOARD.**

1 **(D) THE BOARD MAY APPROVE A LICENSEE TO PRESCRIBE**
2 **PRESCRIPTION DRUGS ONLY IF THE LICENSEE:**

3 **(1) GRADUATED FROM AN APPROVED NATUROPATHIC MEDICAL**
4 **PROGRAM THAT INCLUDED PHARMACOLOGY AS PART OF ITS CURRICULUM; OR**

5 **(2) MEETS THE TRAINING REQUIREMENTS REGARDING**
6 **PHARMACOLOGY ADOPTED BY THE BOARD.**

7 ~~7.5-307.~~ 7.5-308.

8 **(A) (1) THE TERM OF A LICENSE ISSUED BY THE BOARD IS 1 YEAR.**

9 **(2) A LICENSE EXPIRES AT THE END OF ITS TERM UNLESS THE**
10 **LICENSE IS RENEWED AS PROVIDED BY THE BOARD.**

11 **(B) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD**
12 **SHALL SEND TO THE LICENSEE A RENEWAL NOTICE THAT STATES:**

13 **(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

14 **(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE**
15 **RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED**
16 **BEFORE THE LICENSE EXPIRES; AND**

17 **(3) THE AMOUNT OF THE RENEWAL FEE.**

18 **(C) THE BOARD SHALL RENEW THE LICENSE OF A LICENSEE WHO:**

19 **(1) SUBMITS A RENEWAL APPLICATION ON THE FORM THAT THE**
20 **BOARD REQUIRES;**

21 **(2) PAYS A RENEWAL FEE SET BY THE BOARD;**

22 **(3) IS OTHERWISE ENTITLED TO BE LICENSED; AND**

23 **(4) MEETS THE CONTINUING EDUCATION REQUIREMENTS**
24 **ADOPTED BY THE BOARD.**

25 ~~7.5-308.~~ 7.5-309.

26 **(A) (1) THE BOARD MAY PLACE A LICENSEE ON INACTIVE STATUS IF**
27 **THE LICENSEE SUBMITS TO THE BOARD:**

1 **(I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM**
2 **REQUIRED BY THE BOARD; AND**

3 **(II) THE INACTIVE STATUS FEE SET BY THE BOARD.**

4 **(2) THE BOARD SHALL ISSUE A LICENSE TO A NATUROPATHIC**
5 **PHYSICIAN WHO IS ON INACTIVE STATUS IF THE INDIVIDUAL IS OTHERWISE**
6 **ENTITLED TO BE LICENSED UNDER THIS TITLE AND SUBMITS TO THE BOARD:**

7 **(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE**
8 **CONTINUING EDUCATION REQUIREMENTS THE BOARD ADOPTS FOR THIS**
9 **PURPOSE; AND**

10 **(II) A REINSTATEMENT FEE SET BY THE BOARD.**

11 **(B) THE BOARD SHALL REINSTATE THE LICENSE OF A NATUROPATHIC**
12 **PHYSICIAN WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE**
13 **NATUROPATHIC PHYSICIAN:**

14 **(1) MEETS THE RENEWAL REQUIREMENTS OF ~~§ 7.5-307~~ § 7.5-308**
15 **OF THIS SUBTITLE;**

16 **(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE**
17 **BOARD; AND**

18 **(3) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF**
19 **COMPLIANCE WITH THE QUALIFICATIONS AND REQUIREMENTS ADOPTED BY**
20 **THE BOARD UNDER THIS TITLE FOR LICENSE REINSTATEMENTS.**

21 ~~7.5-309.~~ 7.5-310.

22 **(A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A**
23 **LICENSE, A LICENSED NATUROPATHIC PHYSICIAN MAY NOT SURRENDER THE**
24 **LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE**
25 **LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING**
26 **AGAINST THE LICENSEE.**

27 **(B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE**
28 **LICENSEE UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING**
29 **TO ACCEPT SURRENDER OF THE LICENSE.**

30 **SUBTITLE 4. NATUROPATHIC FORMULARY COUNCIL.**

31 **7.5-401.**

1 **THERE IS A NATUROPATHIC FORMULARY COUNCIL.**

2 **7.5-402.**

3 **(A) THE COUNCIL SHALL CONSIST OF FIVE MEMBERS.**

4 **(B) OF THE FIVE MEMBERS:**

5 **(1) THREE MEMBERS SHALL BE LICENSED NATUROPATHIC**
6 **PHYSICIANS, APPOINTED BY THE BOARD;**

7 **(2) ONE MEMBER SHALL BE A LICENSED PHARMACIST**
8 **APPOINTED BY THE BOARD FROM A LIST OF NOMINEES PROVIDED BY THE**
9 **STATE BOARD OF PHARMACY; AND**

10 **(3) ONE MEMBER SHALL BE A LICENSED PHYSICIAN, APPOINTED**
11 **BY THE BOARD FROM A LIST OF NOMINEES PROVIDED BY THE STATE BOARD OF**
12 **PHYSICIANS.**

13 **7.5-403.**

14 **THE COUNCIL SHALL:**

15 **(1) ESTABLISH A NATUROPATHIC FORMULARY FOR USE BY**
16 **LICENSED NATUROPATHIC PHYSICIANS;**

17 **(2) IMMEDIATELY ON ADOPTION OR REVISION OF THE**
18 **NATUROPATHIC FORMULARY, TRANSMIT THE NATUROPATHIC FORMULARY TO**
19 **THE BOARD; AND**

20 **(3) REVIEW THE NATUROPATHIC FORMULARY ANNUALLY OR AT**
21 **ANY TIME AT THE REQUEST OF THE BOARD.**

22 **7.5-404.**

23 **THE NATUROPATHIC FORMULARY ESTABLISHED BY THE COUNCIL MAY**
24 **NOT:**

25 **(1) GO BEYOND THE SCOPE OF NATURAL MEDICINES OR**
26 **PRESCRIPTION DRUGS AND DEVICES COVERED BY APPROVED NATUROPATHIC**
27 **MEDICINE PROGRAMS OR BOARD-APPROVED CONTINUING EDUCATION; OR**

1 **(6) HAS A LICENSE REVOKED OR SUSPENDED, OR WAS**
2 **OTHERWISE ACTED AGAINST, INCLUDING THE DENIAL OF LICENSURE, BY THE**
3 **LICENSING AUTHORITY OF ANOTHER STATE;**

4 **(7) USES FALSE, DECEPTIVE, OR MISLEADING ADVERTISING;**

5 **(8) ADVERTISES, PRACTICES, OR ATTEMPTS TO PRACTICE UNDER**
6 **A NAME OTHER THAN THE APPLICANT'S OR LICENSEE'S OWN NAME;**

7 **(9) AIDS, ASSISTS, EMPLOYS, OR ADVISES ANY UNLICENSED**
8 **INDIVIDUAL TO PRACTICE NATUROPATHIC MEDICINE IN VIOLATION OF THIS**
9 **TITLE;**

10 **(10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN**
11 **THE PRACTICE OF NATUROPATHIC MEDICINE;**

12 **(11) WILLFULLY OR NEGLIGENTLY FAILS TO FILE A REPORT OR**
13 **RECORD AS REQUIRED BY LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE**
14 **FILING OR RECORDING OF A REPORT, OR INDUCES ANOTHER TO FAIL TO FILE**
15 **OR RECORD A REPORT;**

16 **(12) PAYS OR RECEIVES ANY COMMISSION, BONUS, KICKBACK, OR**
17 **REBATE, OR ENGAGES IN ANY SPLIT-FEE ARRANGEMENT IN ANY FORM WITH A**
18 **LICENSED PHYSICIAN, ORGANIZATION, AGENCY, OR OTHER PERSON, EITHER**
19 **DIRECTLY OR INDIRECTLY, FOR PATIENTS REFERRED TO HEALTH CARE**
20 **PROVIDERS;**

21 **(13) EXERCISES INFLUENCE WITHIN A PATIENT-PHYSICIAN**
22 **RELATIONSHIP FOR PURPOSES OF ENGAGING A PATIENT IN SEXUAL ACTIVITY;**

23 **(14) ENGAGES IN SEXUAL MISCONDUCT WITH A PATIENT;**

24 **(15) FAILS TO KEEP WRITTEN MEDICAL RECORDS JUSTIFYING THE**
25 **COURSE OF TREATMENT OF A PATIENT;**

26 **(16) GROSSLY OR REPEATEDLY COMMITS MALPRACTICE OR FAILS**
27 **TO PRACTICE NATUROPATHIC MEDICINE WITH THE LEVEL OF CARE, SKILL, AND**
28 **TREATMENT THAT IS RECOGNIZED BY A REASONABLY PRUDENT LICENSED**
29 **NATUROPATHIC PHYSICIAN AS BEING ACCEPTABLE UNDER SIMILAR**
30 **CONDITIONS AND CIRCUMSTANCES;**

31 **(17) DELEGATES PROFESSIONAL RESPONSIBILITIES TO AN**
32 **INDIVIDUAL WHEN THE LICENSEE DELEGATING THE RESPONSIBILITIES KNOWS**
33 **OR HAS REASON TO KNOW THAT THE INDIVIDUAL IS NOT QUALIFIED BY**

1 TRAINING, EXPERIENCE, OR LICENSURE TO PERFORM THE RESPONSIBILITIES;
2 OR

3 (18) VIOLATES ANY PROVISION OF THIS TITLE OR ANY
4 REGULATION ADOPTED BY THE BOARD.

5 7.5-502.

6 (A) THIS SECTION APPLIES TO:

7 (1) A LICENSED NATUROPATHIC PHYSICIAN;

8 (2) A LICENSED HEALTH CARE PRACTITIONER;

9 (3) A HEALTH CARE FACILITY, AS DEFINED IN § 19-114 OF THE
10 HEALTH – GENERAL ARTICLE, LOCATED IN THE STATE;

11 (4) A STATE AGENCY; AND

12 (5) A STATE OR LOCAL LAW ENFORCEMENT AGENCY.

13 (B) A PERSON LISTED IN SUBSECTION (A) OF THIS SECTION SHALL FILE
14 A WRITTEN REPORT WITH THE BOARD IF THE PERSON HAS INFORMATION THAT
15 GIVES THE PERSON REASON TO BELIEVE THAT A LICENSED NATUROPATHIC
16 PHYSICIAN IS OR MAY BE:

17 (1) MEDICALLY OR LEGALLY INCOMPETENT;

18 (2) ENGAGED IN THE UNAUTHORIZED PRACTICE OF
19 NATUROPATHIC MEDICINE;

20 (3) GUILTY OF UNPROFESSIONAL CONDUCT; OR

21 (4) MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN
22 THE PRACTICE OF NATUROPATHIC MEDICINE.

23 (C) A PERSON REQUIRED TO FILE A REPORT UNDER SUBSECTION (B) OF
24 THIS SECTION SHALL FILE THE REPORT WITHIN 30 DAYS AFTER BECOMING
25 AWARE OF THE INFORMATION.

26 (D) A HEALTH CARE FACILITY SHALL REPORT PROMPTLY TO THE
27 BOARD IF:

28 (1) A LICENSED NATUROPATHIC PHYSICIAN VOLUNTARILY
29 RESIGNS FROM THE STAFF OF THE HEALTH CARE FACILITY, VOLUNTARILY

1 LIMITS THE LICENSEE'S STAFF PRIVILEGES, OR FAILS TO REAPPLY FOR
2 HOSPITAL PRIVILEGES AT THE HEALTH CARE FACILITY; AND

3 (2) THE ACTION OF THE LICENSEE OCCURS WHILE THE LICENSEE
4 IS UNDER FORMAL OR INFORMAL INVESTIGATION BY THE HEALTH CARE
5 FACILITY FOR POSSIBLE MEDICAL INCOMPETENCE, UNPROFESSIONAL
6 CONDUCT, OR MENTAL OR PHYSICAL IMPAIRMENT.

7 (E) (1) THE BOARD MAY ASSESS A MONETARY PENALTY ON A PERSON
8 THAT FAILS TO FILE A REPORT REQUIRED BY THIS SECTION.

9 (2) THE PENALTY ASSESSED UNDER PARAGRAPH (1) OF THIS
10 SUBSECTION MAY NOT EXCEED \$5,000.

11 (3) ASSESSMENT OF A PENALTY UNDER PARAGRAPH (1) OF THIS
12 SUBSECTION SHALL BE SUPPORTED BY SUBSTANTIAL EVIDENCE AND MAY BE
13 APPEALED TO THE SECRETARY.

14 **7.5-503.**

15 (A) THE BOARD SHALL INVESTIGATE ANY COMPLAINT FILED WITH THE
16 BOARD THAT ALLEGES THAT THERE ARE GROUNDS FOR ACTION UNDER §
17 7.5-501 OF THIS SUBTITLE.

18 (B) AFTER ITS INVESTIGATION, THE BOARD, ON THE AFFIRMATIVE
19 VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, MAY COMMENCE ACTION
20 ON ANY OF THE GROUNDS SET FORTH IN § 7.5-501 OF THIS SUBTITLE.

21 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
22 SUBSECTION, UNTIL THE BOARD PASSES AN ORDER UNDER § 7.5-505 OF THIS
23 SUBTITLE, EACH RELATED INVESTIGATION, REPORT, AND RECOMMENDATION IS
24 CONFIDENTIAL.

25 (2) ON THE REQUEST OF A PERSON WHO HAS MADE A COMPLAINT
26 TO THE BOARD, THE BOARD SHALL PROVIDE THE PERSON WITH INFORMATION
27 ON THE STATUS OF THE COMPLAINT.

28 **7.5-504.**

29 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE
30 PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 7.5-501 OF
31 THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
32 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

1 **(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**
2 **ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.**

3 **(C) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY**
4 **COUNSEL.**

5 **(D) OVER THE SIGNATURE OF AN OFFICER OR THE ADMINISTRATOR OF**
6 **THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN**
7 **CONNECTION WITH ANY INVESTIGATION UNDER THIS TITLE AND ANY HEARINGS**
8 **OR PROCEEDINGS BEFORE THE BOARD.**

9 **(E) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA**
10 **FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO**
11 **TESTIFY OR ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT**
12 **OF COMPETENT JURISDICTION MAY PUNISH THE PERSON AS FOR CONTEMPT OF**
13 **COURT.**

14 **(F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE**
15 **ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY**
16 **HEAR AND DETERMINE THE MATTER.**

17 **(G) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF §**
18 **7.5-501 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS OF THE**
19 **HEARING AS SPECIFIED IN A REGULATION ADOPTED BY THE BOARD.**

20 **7.5-505.**

21 **(A) (1) IF THE BOARD FINDS THAT THERE ARE GROUNDS FOR ACTION**
22 **UNDER § 7.5-501 OF THIS SUBTITLE, THE BOARD SHALL PASS AN ORDER IN**
23 **ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.**

24 **(2) IF THE BOARD DISMISSES ALL CHARGES, THE BOARD SHALL**
25 **EXPUNGE ALL RECORD OF THE CHARGES 3 YEARS AFTER THE CHARGES ARE**
26 **DISMISSED.**

27 **(3) IF THE BOARD ISSUES AN ADVISORY OPINION, THE BOARD, AT**
28 **THE REQUEST OF THE LICENSEE, SHALL EXPUNGE ALL RECORD OF THE MATTER**
29 **5 YEARS AFTER THE ADVISORY OPINION IS ISSUED.**

30 **(B) (1) IF A LICENSE IS REVOKED OR SUSPENDED, THE HOLDER**
31 **SHALL SURRENDER THE LICENSE TO THE BOARD ON DEMAND.**

32 **(2) AT THE END OF A SUSPENSION PERIOD, THE BOARD SHALL**
33 **RETURN TO THE LICENSEE ANY LICENSE SURRENDERED UNDER THIS SECTION.**

1 **7.5-506.**

2 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY
3 PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED
4 CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

5 (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

6 (2) TAKE ANY FURTHER APPEAL ALLOWED BY THE
7 ADMINISTRATIVE PROCEDURE ACT.

8 (B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE
9 BOARD UNDER § 7.5-501 OF THIS SUBTITLE MAY NOT APPEAL TO THE
10 SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

11 (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL
12 REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

13 **7.5-507.**

14 (A) IF THE BOARD HAS REVOKED OR SUSPENDED THE LICENSE OF A
15 LICENSEE, THE BOARD MAY NOT REINSTATE THE LICENSE UNTIL THE BOARD IS
16 SATISFIED THAT THE INDIVIDUAL:

17 (1) HAS COMPLIED WITH ALL THE TERMS AND CONDITIONS IN
18 THE FINAL ORDER; AND

19 (2) IS CAPABLE OF SAFELY ENGAGING IN THE PRACTICE OF
20 NATUROPATHIC MEDICINE.

21 (B) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN INDIVIDUAL
22 WHOSE LICENSE WAS REVOKED BY THE BOARD WITHIN 6 MONTHS AFTER THE
23 DATE OF THE REVOCATION.

24 **SUBTITLE 6. MISCELLANEOUS PROVISIONS.**

25 **7.5-601.**

26 A LICENSED NATUROPATHIC PHYSICIAN SHALL FOLLOW ANY FEDERAL,
27 STATE, OR LOCAL LAW THAT GOVERNS:

28 (1) THE CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES;
29 AND

1 **(2) THE REPORTING OF BIRTHS AND DEATHS.**

2 **7.5-602.**

3 **A LICENSED NATUROPATHIC PHYSICIAN MAY RECEIVE A FEE FOR**
4 **PROFESSIONAL CONSULTATION SERVICES.**

5 **7.5-603.**

6 **IF A NATUROPATHIC PHYSICIAN IS ENGAGED IN THE PRIVATE PRACTICE**
7 **OF NATUROPATHIC MEDICINE IN THE STATE, THE NATUROPATHIC PHYSICIAN**
8 **SHALL DISPLAY THE NOTICE DEVELOPED UNDER § 1-207 OF THIS ARTICLE**
9 **CONSPICUOUSLY IN EACH OFFICE WHERE THE NATUROPATHIC PHYSICIAN IS**
10 **ENGAGED IN PRACTICE.**

11 **SUBTITLE 7. PROHIBITED ACTS; PENALTIES.**

12 **7.5-701.**

13 **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY**
14 **NOT PRACTICE NATUROPATHIC MEDICINE IN THIS STATE WITHOUT A LICENSE.**

15 **7.5-702.**

16 **UNLESS AN INDIVIDUAL IS LICENSED TO PRACTICE NATUROPATHIC**
17 **MEDICINE, THE INDIVIDUAL MAY NOT:**

18 **(1) REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF**
19 **SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL**
20 **IS LICENSED BY THE BOARD TO PRACTICE NATUROPATHIC MEDICINE;**

21 **(2) USE THE TITLE “DOCTOR OF NATUROPATHIC MEDICINE”,**
22 **“DOCTOR OF NATUROPATHY”, “NATUROPATHIC PHYSICIAN”, “NATUROPATHIC**
23 **DOCTOR”, “PHYSICIAN OF NATURAL MEDICINE”, “DOCTOR OF NATUROPATHIC**
24 **MEDICINE”, OR “NATUROPATH”; OR**

25 **(3) USE THE INITIALS “N.D.”, “ND”, “NMD”, OR “N.M.D.”**
26 **AFTER THE NAME OF THE INDIVIDUAL.**

27 **SUBTITLE 8. SHORT TITLE; TERMINATION OF TITLE.**

28 **7.5-801.**

1 (a) This section may not be construed to limit the ability of a licensed
2 naturopathic physician to receive referrals from or make referrals to a physician
3 licensed under Title 14 of this article with whom the licensed naturopathic physician
4 does not have a collaboration and consultation agreement.

5 (b) In addition to the requirements of § 7.5–301 of this subtitle, before an
6 individual may practice naturopathic medicine in the State, the individual shall
7 complete and submit to the Board a Board–approved written attestation that:

8 (1) States that the individual has a collaboration and consultation
9 agreement with a physician licensed under Title 14 of this article;

10 (2) Includes the name and license number of the physician with whom
11 the individual has a collaboration and consultation agreement;

12 (3) States that the individual will refer patients to and consult with
13 physicians and other health care providers licensed or certified under this article as
14 needed; and

15 (4) States that the individual will require patients to sign a consent
16 form that states that the individual’s practice of medicine is limited to the scope of
17 practice identified in § 7.5–306 of this subtitle.

18 (c) The Board shall:

19 (1) Maintain the written attestations submitted to the Board under
20 subsection (b) of this section; and

21 (2) Make the written attestations submitted to the Board under
22 subsection (b) of this section available to the State Board of Physicians on the request
23 of the State Board of Physicians.

24 (d) If an individual who submitted a written attestation to the Board under
25 subsection (b) of this section terminates or changes the collaboration and consultation
26 agreement that was referenced in the attestation, the individual immediately shall
27 submit, by mail or facsimile, a new written attestation to the Board.]

28 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That the terms of the initial
29 members of the State Board of Naturopathic Medicine shall expire as follows:

30 (1) two members in 2014;

31 (2) two members in 2015; and

32 (3) three members in 2016.

1 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That the State Board of
2 Naturopathic Medicine shall hold its first board meeting within 30 days after the
3 Governor has appointed the initial members of the Board.

4 SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That it is the intent of the
5 General Assembly that the Governor provide funds in the fiscal year 2013 budget at a
6 level sufficient to allow the State Board of Naturopathic Medicine to begin operating
7 as a regulatory board, and when special funds become available for the regulation of
8 naturopathic physicians, special funds shall be used to reimburse the General Fund
9 for the cost of starting up the Board.

10 SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
11 take effect October 1, 2015.

12 SECTION ~~6~~ 8. AND BE IT FURTHER ENACTED, That , except as provided in
13 Section 7 of this Act, this Act shall take effect October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.